

### REMARKS

Claims 13-22 are presently pending in the application. Claims 7-12 have been canceled, without prejudice, and replaced with new claims 13-22. No new matter has been introduced as a result of the amendments. Support for claim 17 can be found, for example, on page 5, line 26 - page 5, lines 26-37 and page 8, lines 25-37. Entry and consideration of this Response are respectfully requested.

Claims 7-10 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Shepherd et al.* (EP 0399612 A2) in view of *Gilbert* (U.S. Patent 6,016,311). Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Shepherd et al.* (EP 0399612 A2) in view of *Gilbert* (U.S. Patent 6,016,311) and further in view of Gitlin et al. (U.S. Patent 6,018,528). The Applicant respectfully traverses the above rejections.

Applicant would like to thank the Examiner for the courtesy of discussing the pending rejections. Accordingly, claims 13-16 have been amended to incorporate the allowable matter identified in the Office Action.

Regarding claim 17, the cited art, alone, or in combination, fail to teach or suggest (1) changing a transmission characteristic in the first physical radio channel in order to select a new first physical radio channel for the duplex radio link if a disturbance is determined in the first physical radio channel, wherein the second physical radio channel is retained when the new first physical radio channel is selected; and (2) changing a transmission characteristic in the second physical radio channel in order to select a new second physical radio channel for the duplex radio link if a disturbance is determined in the second physical radio channel, wherein the first physical radio channel is retained when the new second physical radio channel is selected. The amended claim makes it clear that the changes to the first or second physical radio channel occur within the duplex radio link.

In contrast, Shepard teaches that multiple duplex channels are monitored, where disturbed links are reallocated among different duplex channels. *Shepard* teaches that "if it is ascertained from local signal quality measurements that corruption is due to a poor radio link between a secondary station and a particular primary station, the secondary station may

handover and communicate via another in-range primary station and/or in another duplex voice channel.”(see Col. 5, lines 44-50)

*Sheperd* does not teach reassignment of a single duplex channel/slot in opposite directions due to disturbance of one channel of a duplex link. In col. 6, line 9 to col. 7, line 14, *Sheperd* teaches that, when data in one direction is absent or padded, that specific channel is *released* and reallocated to the reverse transmitting direction (col. 6, lines 9-22). *Sheperd* also teaches that each duplex channel consists of a pair of physical channels (col. 6, lines 22-28; claim 1). Thus, when two or more duplex voice channels are assigned to a transaction (thus using 4 physical channels), one of the non-transmitting channels are retained for signaling, while the balance of signals are reversed for unidirectional signaling (col. 6, lines 32-37; claim 10).

*Gilbert* fails to solve the deficiencies of *Sheperd*, discussed above. *Gilbert* teaches the dynamic allocation of timeslots within an uplink and a downlink to accommodate various bandwidth needs using a ratio between uplink and downlink slots (col. 8, lines 26-31, 38-65). However, *Gilbert* fails to teach or suggest selecting a new physical radio channel for the duplex radio link if a disturbance is detected. Furthermore, *Gilbert* teaches away from *Sheperd*, since the ratio could only be determined if the uplink/downlink is undisturbed (i.e., a bandwidth requirement can be determined). The Office Action fails to reconcile how Gilbert’s configuration could feasibly be implemented in *Sheperd*, which, as explained above, releases time slots when one direction is absent or padded. For at least these reasons, applicant submits the cited references do not teach or suggest the features recited in claim 17.

Based on the foregoing, the Applicant respectfully requests withdrawal of the claim rejections and allowance of the application. If there are any additional fees that are due in connection with this application as a whole, the Examiner is authorized to deduct those fees from Deposit Account No. 02-1818. If such a deduction is made, please indicate Attorney Docket No. 0112740-167 on the account statement.

Respectfully submitted,

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